

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 JUN 2005

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Applicant's or agent's file reference 664305	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/JP2004/003945	International filing date (day/month/year) 23.03.2004	Priority date (day/month/year) 24.03.2003
International Patent Classification (IPC) or national classification and IPC G06F1/00		
Applicant MATSHISHITA ELECTRIC INDUSTRIAL CO. LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. *(sent to the applicant and to the International Bureau)* a total of sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 15.10.2004	Date of completion of this report 23.06.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Telephone No. +31 70 340- 4874 



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-60 as originally filed

Claims, Numbers

1-20 as originally filed

Drawings, Sheets

1/24-24/24 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1,11
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1,11
Industrial applicability (IA)	Yes:	Claims	1,11
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: WO 00/54128 A (CURL CORPORATION; WARD, STEPHEN, A; MAZER, MURRAY, S; HOOVER, SUSAN, B) 14 September 2000 (2000-09-14)
D2: EP-A-1 195 734 (SONY CORPORATION) 10 April 2002 (2002-04-10)
D3: US 2003/014655 A1 (ENGLAND PAUL ET AL) 16 January 2003 (2003-01-16)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 11 is not new in the sense of Article 33(2) PCT.
- 2.1 The document D1 discloses (the references in parentheses applying to this document):

A data protection management system enabling data communication of a license ("licensing form", page 12, line 19) and encrypted content ("content is coded", page 12, line 12) between a sender ("server", page 12, line 11) and a receiver ("computer", page 12, line 4) while protecting and managing the communicated data, the data protection management system comprising: a session manager ("plug-in", page 12, line 10) for executing a process for acquiring a license and encrypted content from a sender; a license management engine ("plug-in", page 15, line 7) for storing and managing the license acquired by the session manager; wherein when a challenge ("require further validation", page 19, line 15), which is a request for proof of a license, is received, the session manager generates a certificate ("license validation request", page 20, line 21) verifying the license and sends ("is sent", page 21, line 2) the generated certificate to the receiver.

A memory for storing the license is implicitly disclosed by D1 as the plug-in extracts and processes the license (page 15, line 7) and these two actions imply the need of a memory for storing the license.

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It should be noted that the challenge is implemented in D1 by issuing 'explicit licenses' that intrinsically require to be validated against the server.

Therefore, D1 discloses all the technical features of independent claim 1 and thus claim 1 lacks novelty.

- 2.2 The same argumentation applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 11 (method). The additional step for storing a key required for decrypting the encrypted content is implicitly disclosed by D1 due to the fact that in D1 the content is encrypted (page 24, lines 4-5).

Consequently, claim 11 is also considered not new.

3. Dependent claims 2-10 and 12-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1, D2 and D3, and the corresponding passages cited in the search report.